

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

JOBS FOR DOWNRIVER, JOBS FOR HARPER WOODS, JOBS FOR OAKLAND, JOBS FOR PLYMOUTH, and PROGRESS FOR SALINE, ballot question committees,

Case No.

Hon.

Plaintiffs,

v.

GRETCHEN WHITMER, in her official capacity as Governor of Michigan, JOCELYN BENSON, in her official capacity as Secretary of State of Michigan, JONATHAN BRATER, in his official capacity as Director of the Michigan Bureau of Elections, CITY OF AUBURN HILLS, CITY OF FLAT ROCK, CITY OF HARPER WOODS, CITY OF PLYMOUTH, CITY OF SALINE, CITY OF WIXOM, LAURA PIERCE, in her official capacity as Auburn Hills City Clerk, MEAGHAN BACHMAN, in her official capacity as Flat Rock City Clerk, LESLIE FRANK, in her official capacity as Harper Woods City Clerk, MAUREEN BRODIE, in her official capacity as Plymouth City Clerk, TERRI ROYAL, in her official capacity as Saline City Clerk, and CATHERINE BUCK, in her official capacity as Wixom City Clerk.

Defendants.

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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Jobs for Downriver, Jobs for Harper Woods, Jobs for Oakland, Jobs for Plymouth, and Progress for Saline (collectively, “Plaintiffs”), in their capacities as local ballot question committees, by and through their counsel, Honigman LLP, file this Complaint against Defendants Gretchen Whitmer, Governor of Michigan; Jocelyn Benson, Secretary of State of Michigan; and Jonathan Brater, Director of the Michigan Bureau of Elections, in their official capacities (collectively, the “State Defendants”); the Cities of Auburn Hills, Flat Rock, Harper Woods, Plymouth, Saline, and Wixom (collectively, the “Defendant Cities”); and Laura Pierce, Auburn Hills City Clerk; Meaghan Bachman, Flat Rock City Clerk; Leslie Frank, Harper Woods City Clerk; Maureen Brodie, Plymouth City Clerk; Terri Royal, Saline City Clerk; and Catherine Buck, Wixom City Clerk, in their official capacities (collectively, the “Defendant City Clerks”).

INTRODUCTORY STATEMENT AND SUMMARY

1. Plaintiffs are all related, duly-formed ballot question committees that sought to place proposals related to marihuana establishments on the November 3, 2020 general election ballot in the Defendant Cities through the initiative powers conferred upon them by either state law or local charter.

2. Plaintiffs file this action to challenge the constitutionality of various municipal charter provisions and Michigan statutes related to the number of

signatures required to submit local ballot questions, and the deadlines to submit such signatures in order to place the local ballot questions on the November 3, 2020 general election ballot, as those state and local provisions have been applied to Plaintiffs.

3. Due to these charter provisions and statutes, Plaintiffs were unable to secure the requisite number of signatures to submit their proposed ordinances or charter amendments to the Defendant City Clerks in time for such proposals to be placed on the November 3, 2020 general election ballot in the Defendant Cities, as Plaintiffs' efforts were hindered by a number of restrictive executive orders issued by Governor Whitmer related to the novel coronavirus pandemic.

4. Through the enforcement of state and local law in conjunction with Governor Whitmer's executive orders, Defendants have effectively precluded Plaintiffs and other similarly situated local ballot question committees throughout the State from qualifying to have their local ballot questions placed on the November 3, 2020 general ballot, thereby violating Plaintiffs' First Amendment rights to freedom of speech and association, as extended to Michigan through the Fourteenth Amendment of the United States Constitution.

5. Plaintiffs seek a declaration that the state statutes and city charter provisions related to the required number of signatures to place a local ballot question on the November 3, 2020 general election ballot, as well as the statutory

deadline for submission of such signatures violate the First and Fourteenth Amendments of the United States Constitution as applied in this instance, and they seek an order enjoining Defendants from enforcing those signature requirements and submission deadline, and requiring Defendants to craft remedies relating to these provisions that address constitutional infirmities.

JURISDICTION AND VENUE

6. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 1343 because this is a civil action seeking relief for the deprivation of rights secured by the United States Constitution.

7. Venue is proper in the Eastern District of Michigan pursuant to 28 U.S.C. § 1391(b), because it is the judicial district where the Defendant Cities are located, and where the majority of the events giving rise to this action occurred.

PARTIES

8. Plaintiff Jobs for Downriver is a ballot question committee formed to support a local ballot initiative under the Flat Rock City Charter calling for the regulation and licensing of marihuana establishments in the City of Flat Rock.

9. Plaintiff Jobs for Harper Woods is a ballot question committee formed to support a local ballot initiative under the Michigan Regulation and Taxation of Marihuana Act and for a charter amendment calling for the regulation and licensing of marihuana establishments in the City of Harper Woods.

10. Plaintiff Jobs for Oakland is a ballot question committee formed to support a local ballot initiative under the Michigan Regulation and Taxation of Marihuana Act calling for the regulation and licensing of marihuana establishments in the City of Wixom, as well as a local ballot initiative under the Auburn Hills City Charter calling for the regulation and licensing of marihuana establishments in the City of Auburn Hills.

11. Plaintiff Jobs for Plymouth is a ballot question committee formed to support a local ballot initiative under the Plymouth City Charter calling for the regulation and licensing of marihuana establishments in the City of Plymouth.

12. Plaintiff Progress for Saline is a ballot question committee formed to support a local ballot initiative under the Saline City Charter calling for the regulation and licensing of marihuana establishments in the City of Saline.

13. Defendant Gretchen Whitmer is sued in her official capacity as the Governor of Michigan. Governor Whitmer has authority over the enforcement of the Michigan election Law during a declared state of emergency or disaster and otherwise.

14. Defendant Jocelyn Benson is sued in her official capacity as the Michigan Secretary of State. As Secretary of State, she serves as Michigan's chief election officer. Mich. Comp. Laws § 168.21.

15. Defendant Jonathan Brater is sued in his official capacity as the Director of the Michigan Bureau of Elections. In this capacity, Director Brater is responsible for the agency that assists county and local election officials with their administrative duties and administers the State's electoral process.

16. Defendant City of Auburn Hills is a body corporate and home rule city located within the Eastern District of Michigan.

17. Defendant City of Flat Rock is a body corporate and home rule city located within the Eastern District of Michigan.

18. Defendant City of Harper Woods is a body corporate and home rule city located within the Eastern District of Michigan.

19. Defendant City of Plymouth is a body corporate and home rule city located within the Eastern District of Michigan.

20. Defendant City of Saline is a body corporate and home rule city located within the Eastern District of Michigan.

21. Defendant City of Wixom is a body corporate and home rule city located within the Eastern District of Michigan.

22. Defendant Laura Pierce is sued in her official capacity as the Clerk of the City of Auburn Hills. Under the Auburn Hills City Charter, petitions for local ballot questions must be submitted to the Clerk of the City of Auburn Hills.

23. Defendant Meaghan Bachman is sued in her official capacity as the Clerk of the City of Flat Rock. Under the Flat Rock City Charter, petitions for local ballot questions must be submitted to the Clerk of the City of Flat Rock.

24. Defendant Leslie Frank is sued in her official capacity as the Clerk of the City of Harper Woods.

25. Defendant Maureen Brodie is sued in her official capacity as the Clerk of the City of Plymouth. Under the Plymouth City Charter, petitions for local ballot questions must be submitted to the Clerk of the City of Plymouth.

26. Defendant Terri Royal is sued in her official capacity as the Clerk of the City of Saline. Under the Saline City Charter, petitions for local ballot questions must be submitted to the Clerk of the City of Saline.

27. Defendant Catherine Buck is sued in her official capacity as the Clerk of the City of Wixom.

JOINDER OF PARTIES

28. Fed. R. Civ. P. 20 provides that persons “may be joined in one action as plaintiffs if: (A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all plaintiffs will arise in the action.” Fed. R. Civ. P. 20(a)(1).

29. Likewise, persons “may be joined in one action as defendants if: (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all defendants will arise in the action.” Fed. R. Civ. P. 20(a)(2).

30. The “transaction-or-occurrence” test of Rule 20(a) “is similar to the transaction-or-occurrence test of Rule 13(a) for compulsory counterclaims, which has been construed as requiring a ‘logical relationship’ between the claims.” *In re EMC Corp.*, 677 F.3d 1351, 1357–58 (Fed. Cir. 2012) (quoting *Moore v. N.Y. Cotton Exch.*, 270 U.S. 593, 610 (1926)).

31. This test “is satisfied if there is substantial evidentiary overlap in the facts giving rise to the cause of action ...” *Id.*

32. Doubts are to be resolved in favor of joinder. *See United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 724 (1966).

33. That is, “[u]nder the Rules, the impulse is toward entertaining the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged.” *Id.*; *see also LASA Per L’Industria Del Marmo Societa Per Azioni of Lasa, Italy v. Alexander*, 414 F.2d 143, 147 (6th Cir. 1969).

34. Here, Plaintiffs are related ballot question committees whose claims against Defendants arise out of the “same...series of transactions or occurrences,” in that each Plaintiff sought to place a similar local ballot question on the November 2020 general election ballot in the respective Defendant Cities, but was unable to do so based upon statutory signature submission deadlines and signature threshold requirements set forth in either state law or local charter.

35. To this end, Plaintiffs each have identical claims against the State Defendants, e.g., that the application of statutory filing deadlines is unconstitutional as applied to Plaintiffs under the circumstances.

36. While Plaintiffs’ claims against the Defendant Cities and Defendant City Clerks vary slightly in terms of whether Plaintiffs are respectively challenging signature requirements brought under state law or local charter, the factual allegations and questions of law are nearly identical, and there is unquestionably a logical relationship between the claims.

37. Moreover, it is likely that, because of the nearly identical issues of law, if each Plaintiff were to file its complaint independently, the cases would have been consolidated pursuant to Fed. R. Civ. P. 42(a).

38. As each case brought by each individual Plaintiff against each individual Defendant City and Defendant City Clerk will turn upon the same factual

and legal issues, and principles of fairness and judicial economy dictate that each party should be joined in this matter.

BACKGROUND FACTS AND ALLEGATIONS

CORONAVIRUS PANDEMIC IN MICHIGAN

39. SARS-CoV-2 is the novel coronavirus that causes the Coronavirus Disease 2019 (“COVID-19”), a highly-contagious, flu-like disease that can, in extreme cases, cause severe illness or death as a result of respiratory issues.

40. COVID-19 has caused a global pandemic that has resulted in more than 666,000 deaths worldwide, including more than 6,000 in the State of Michigan.

41. On March 10, 2020, Governor Whitmer announced the first two confirmed cases of COVID-19 in Michigan, and issued Executive Order 2020-4 declaring a statewide state of emergency throughout Michigan pursuant to the Emergency Management Act, 1976 PA 390, Mich. Comp. Laws §§ 30.401 *et seq.* and the Emergency Powers of the Governor Act, 1945 PA 302, Mich. Comp. Laws §§ 10.31 *et seq.*

42. Executive Order 2020-4 was later rescinded and replaced by Executive Order 2020-33, which was issued on April 1, 2020 and declared states of emergency and disaster throughout Michigan.

43. Governor Whitmer has subsequently extended this state of emergency and disaster declaration multiple times, and it is currently in place through August 11, 2020.

44. Since issuing Executive Order 2020-4, Governor Whitmer has issued more than 140 related executive orders, creating a confusing morass of regulations and requirements which frequently rescind, revise, and replace each other.

45. The main thrust of these executive orders is to attempt to reduce the transmission of COVID-19 by reducing personal interaction amongst Michigan residents.

46. A number of these executive orders have directly hindered the ability of petition circulators to effectively gather signatures for initiative petitions.

47. The executive orders have divided the state into eight different regions with respect to COVID-19-related restrictions. The relevant counties of Oakland, Washtenaw, and Wayne are all in Region 1.

48. As Oakland County and Wayne County have experienced the highest number of cases and deaths in Michigan related to COVID-19, the restrictions in this region have largely been more severe than in certain other areas of the State.

49. On March 13, 2020, Governor Whitmer issued Executive Order 2020-5, which temporarily prohibited all gatherings of more than 250 people in the State.

Four days later, Governor Whitmer rescinded this order and replaced it with Executive Order 2020-11, which prohibited all gatherings of more than 50 people.

50. The prohibition on large gatherings has subsequently been extended multiple times, most recently by Executive Order 2020-110, which Governor Whitmer issued on June 1, 2020, and which prohibited indoor gatherings of more than 10 people and outdoor gatherings of more than 100 people.¹ Executive Order 2020-110 is attached hereto as **Exhibit A**.

51. Executive Order 2020-110 also mandated that individuals leaving their homes “[f]ollow social distancing measures recommended by the Centers for Disease Control and Prevention (“CDC”), including remaining at least six feet from people from outside the individual’s household to the extent feasible under the circumstances.”

52. A violation of Executive Order 2020-110 was a misdemeanor under Mich. Comp. Laws §§ 10.33 and 30.405(3).

¹ Executive Order 2020-110 was rescinded by Executive Order 2020-160 on July 29, 2020, but was in effect during the entire time that Plaintiffs were circulating petitions.

53. Executive Order 2020-115 increased these limitations for several regions within Michigan, but not for Region 1, where, as of July 28, 2020, gatherings were still limited to the numbers set forth in Executive Order 2020-110.²

54. On March 16, 2020, Governor Whitmer issued Executive Order 2020-9, which closed all places of public accommodation, including restaurants, bars, theatres, concert venues, gymnasiums, and libraries.

55. These closures have been amended a number of times, but as of July 28, 2020, movie theatres, performance venues, gymnasiums, casinos, and sports and entertainment facilities remained closed, but restaurants, bars, and coffeehouses in Region 1 were allowed to open with limitations and capacity restrictions.

56. On March 24, 2020, Governor Whitmer issued Executive Order 2020-21 (the “Stay-at-Home Order”), which ordered “all individuals currently living within the State of Michigan...to stay at home or at their place of residence” and prohibited “all public and private gatherings of any number of people occurring among persons not part of a single household...”

57. The Stay-at-Home Order also prohibited anyone from “operat[ing] a business or conduct[ing] operations that require workers to leave their homes or

² On July 29, 2020, Governor Whitmer issued Executive Order 2020-160, which rescinded Executive Order 2020-110, but reiterated that indoor gatherings are limited to 10 persons and outdoor gatherings are limited to no more than 100 people.

places of residence except to the extent that those workers are necessary to sustain or protect life or to conduct minimum basic operations.”

58. A violation of the Stay-at-Home Order was a misdemeanor pursuant to Mich. Comp. Laws §§ 10.33 and 30.405(3).

59. Executive Order 2020-21 was rescinded on April 9, 2020, but the Stay-at-Home Order was modified and extended by Executive Order 2020-42.

60. The Stay-at-Home Order was subsequently modified and extended a number of times, eventually being lifted on June 1, 2020.

POWER OF INITIATIVE

61. Under the State Constitution of 1963, Michigan citizens “reserve[d] to themselves the power to propose laws and to enact and reject laws, called the initiative...” Mich. Const. art. II, § 9.

62. However, “this reserved power does not include the power of initiative with respect to local ordinances.” *Settles v. Detroit City Clerk*, 427 N.W.2d 188, 190 (Mich. Ct. App. 1988) (citing *Korash v. Livonia*, 202 NW2d 803, 805 n.3 (Mich. 1972) (“There is no provision in the Constitution of 1963 reserving to the people the power of initiative and referendum with respect to local ordinances.”)).

63. Thus, the power of initiative with regard to municipal ordinances is a creation of statute. See, e.g., *Settles, supra*, at 190 (“The power of a home rule city, such as Detroit, to provide for initiative petitions derives from statute.”).

CHARTER AMENDMENTS

64. Defendant Cities are all home rule cities, organized, incorporated, and governed under the provisions of the Home Rule City Act, 1909 PA 279, Mich. Comp. Laws §§ 117.1 *et seq.* (the “Home Rule City Act”).

65. Each home rule city must adopt a city charter, which is required to contain certain provisions related to the governance and administration of the municipality.

66. The Home Rule City Act allows a city charter to be amended by an initiatory petition. Mich. Comp. Laws § 117.21(1).

67. Such initiatory petition must be filed with the city clerk and “signed by at least 5% of the qualified and registered electors of the municipality.” Mich. Comp. Laws § 117.25(1).

LOCAL BALLOT INITIATIVES UNDER A CITY CHARTER

68. In addition to certain mandatory provisions, the Home Rule City Act also sets forth certain provisions that a home rule city may include in its charter.

69. Among these permissible provisions is the inclusion of language related to the power of “initiative and referendum on all matters within the scope of the powers of that city and the recall of city officials.” Mich. Comp. Laws § 117.4i(g).

70. Defendants City of Auburn Hills, City of Flat Rock, City of Plymouth, and City of Saline have chosen to include such provisions within their respective

city charters. *See, e.g.*, Auburn Hills, Mich. City Charter § 5.8, attached hereto as **Exhibit B**; Flat Rock, Mich. City Charter § 7.9, attached hereto as **Exhibit C**; Plymouth, Mich. City Charter § 6.11, attached hereto as **Exhibit D**; and Saline, Mich. City Charter § 7.4, attached hereto as **Exhibit E**.

71. State law does not prescribe the number of signatures that are required for a proposed ordinance to be successfully placed on the ballot through the initiative process as set forth in a city charter, meaning that home rule cities have the authority to set the requisite number of signatures within their municipality.

72. The Auburn Hills City Charter requires an initiatory petition to be “signed by registered qualified electors of the city in number equal to ten (10) percent of the active registration file of voters at the preceding state even-numbered year election prior to the filing of the petition.” Auburn Hills, Mich. City Charter § 5.9, attached hereto as **Exhibit F**. The Auburn Hills City Charter also requires petitions to be approved as to form by the city clerk prior to circulation. *Id.* Also, only signatures obtained within 90 days of the date of filing the petition with the city clerk are to be counted. *Id.*

73. The Flat Rock City Charter requires an initiatory petition to be “signed by not less than ten percent of the registered electors of the City, as of the date of the last regular City election...” Flat Rock, Mich. City Charter § 7.10(a), attached

hereto as **Exhibit G**. Moreover, all signatures must be “obtained within sixty days before the date of filing the petition with the Clerk.” *Id.*

74. The Plymouth City Charter requires a petition seeking to initiate an ordinance to be “signed by not less than fifteen percent of the number of electors of the City who voted for governor of the State of Michigan at the last fall election held in the state.” Plymouth, Mich. City Charter § 6.12, attached hereto as **Exhibit H**. The Plymouth City Charter also states that “[n]o signature on any petition initiating an ordinance...shall be counted in the canvass thereof which was signed more than six months prior to the date on which such petition was filed with the Clerk...” *Id.* Also, petitions must be approved as to form by the city attorney prior to circulation. *Id.*

75. The Saline City Charter requires an initiatory petition to be “be signed only by qualified and registered electors of the city to a number equal to that required for initiatory petitions to place charter amendments on the ballot...” Saline, Mich. City Charter § 7.6, attached hereto as **Exhibit I**. Thus, the Saline City Charter requires initiative petitions to be “signed by at least 5% of the qualified and registered electors of the municipality.” Mich. Comp. Laws §117.25(1).

76. Collectively, Auburn Hills, Mich. City Charter § 5.9, Flat Rock, Mich. City Charter § 7.10, Plymouth, Mich. City Charter § 6.12, and Saline, Mich. City Charter § 7.6 are referred to herein as the “City Charter Provisions.”

LOCAL BALLOT INITIATIVES UNDER THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT

77. While most local ballot questions are brought pursuant to the Home Rule City Act, a number of statutes also allow individuals to place ordinances or other municipal actions on the ballot in cities independent of that act.

78. One such statute is the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, Mich. Comp. Laws §§ 333.27951 *et seq.* (the “MRTMA”), which was enacted through a statewide ballot initiative in November 2018.

79. The MRTMA legalized the possession and use of marihuana by adults 21 years of age and older under Michigan law, and also created a system to license and regulate certain marihuana establishments.

80. The MRTMA gives broad discretion to municipalities within Michigan to control the number and type of marihuana establishments, if any, that may operate within their jurisdiction. *See* Mich. Comp. Laws § 333.27956(1).

81. Pursuant to the MRTMA, “[i]ndividuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality...” *Id.*

82. The MRTMA mandates that such a proposed ordinance shall be “submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than

5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election.” *Id.*

LOCAL BALLOT QUESTION STATUTORY DEADLINES

83. The Michigan Election Law, 1954 PA 116, Mich. Comp. Laws §§ 168.1 *et seq.* (the “Michigan Election Law”) sets forth strict deadlines by which candidates and committees must file relevant documents in order to ensure that ballots can be timely printed in order to meet statutory deadlines for distribution to voters.

84. Pursuant to Mich. Comp. Laws § 168.646a(2), for a local ballot initiative to appear on the ballot on a regular election date, “the ballot wording of the ballot question must be certified to the proper local or county clerk not later than 4 p.m. on the twelfth Tuesday before the election.”

85. “Petitions to place a county or local ballot question on the ballot at the election must be filed with the clerk at least 14 days before” this date. *Id.*

86. For a proposed local ordinance to be placed on the November 3, 2020 general election ballot, this statute requires that a local ballot proposal be submitted to a local clerk by July 28, 2020. In guidance provided by the Michigan Secretary of State, the deadline is set at 5 p.m. on that date. *See* guidance, attached as **Exhibit J**.

87. Local clerks must then certify the ballot wording to the appropriate county clerk by 4 p.m. on August 11, 2020. *See id.*

88. Upon information and belief, however, ballots for the November 2020 general election need not be printed until a date in September 2020.

ACTIONS OF PLAINTIFF LOCAL BALLOT QUESTION COMMITTEES

Jobs for Downriver

89. Plaintiff Jobs for Downriver was established as a local ballot question committee by filing a statement of organization with the Wayne County Clerk pursuant to Mich. Comp. Laws §§ 169.224(1) and 169.236(2).

90. Plaintiff Jobs for Downriver was established to support an initiative related to a proposed ordinance under the city charter concerning marihuana establishments in the City of Flat Rock.

91. Upon information and belief, there were 7,830 registered electors in the City of Flat Rock at the date of the last general election, meaning that, pursuant to the city charter, 783 signatures were required for an initiated ordinance.

92. Plaintiff Jobs for Downriver began circulating its petitions prior to the July 28, 2020 statutory deadline and diligently attempted to gather signatures up until that deadline.

93. During the time it was circulating its petition, Plaintiff Jobs for Downriver experienced difficulty collecting signatures due to Governor Whitmer's executive orders.

94. Moreover, pursuant to the Flat Rock City Charter, only signatures gathered on or after May 29, 2020 were considered valid.

95. As of July 28, 2020, Plaintiff Jobs for Downriver had collected 90 signatures, or approximately 11 percent of what was required to have the proposed initiated ordinance placed on the November 3, 2020 general election ballot.

Jobs for Harper Woods

96. Plaintiff Jobs for Harper Woods was established as a local ballot question committee by filing a statement of organization with the Wayne County Clerk pursuant to Mich. Comp. Laws §§169.224(1) and 169.236(2).

97. Plaintiff Jobs for Harper Woods was established to support initiatives related to a proposed charter amendment and a proposed ordinance under the MRTMA concerning marihuana establishments in the City of Harper Woods.

98. Upon information and belief, there are 12,037 registered electors in the City of Harper Woods, meaning that an initiatory petition seeking to amend the Harper Woods City Charter needs 602 signatures in order to be placed on the ballot pursuant to Mich. Comp. Laws § 117.25(1).

99. Upon information and belief, in the 2018 gubernatorial election, 6,350 votes were cast in the City of Harper Woods, meaning that, pursuant to the MRTMA, 318 signatures were required for an ordinance related to marihuana establishments to be proposed by initiative petition under that statute.

100. Plaintiff Jobs for Harper Woods began circulating petitions for signatures related to the charter amendment and MRTMA petition prior to the July 28, 2020 deadline and diligently attempted to gather signatures up until that deadline.

101. During the time it was circulating its petitions, Plaintiff Jobs for Harper Woods experienced difficulty collecting signatures due to Governor Whitmer's executive orders.

102. As of July 28, 2020, Plaintiff Jobs for Harper Woods had collected approximately 130 signatures, or approximately 40 percent of what was required to have the proposed initiated ordinance placed on the November 3, 2020 general election ballot, and approximately 131 signatures, or approximately 21 percent of what was required to have the proposed charter amendment placed on the ballot.

Jobs for Oakland – Auburn Hills

103. Plaintiff Jobs for Oakland was established as a local ballot question committee by filing a statement of organization with the Oakland County Clerk pursuant to Mich. Comp. Laws §§ 169.224(1) and 169.236(2).

104. Plaintiff Jobs for Oakland was established to support local ballot initiatives related to marihuana facilities in Auburn Hills and Wixom.

105. Upon information and belief, in 2018, there were 15,507 active registered voters on file with the City of Auburn Hills meaning that, pursuant to the

city charter, 1,551 signatures were required for an initiated ordinance to be placed on the November 3, 2020 general election ballot.

106. On or about July 6, 2020, Plaintiff Jobs for Oakland submitted their petition to the Auburn Hills City Clerk for approval as to form, as is required by the Auburn Hills City Charter.

107. On or about July 14, 2020, Plaintiff Jobs for Oakland received approval of its petition as to form from the Auburn Hills City Clerk.

108. Plaintiff Jobs for Oakland began circulating petitions for signatures in the City of Auburn Hills after receiving approval from the Auburn Hills City Clerk and diligently attempted to gather signatures in Auburn Hills up until the July 28, 2020 deadline.

109. During the time it was circulating its petitions in Auburn Hills, Plaintiff Jobs for Oakland experienced difficulty collecting signatures due to Governor Whitmer's executive orders.

110. Moreover, pursuant to the Auburn Hills City Charter, only signatures gathered on or after April 29, 2020 were considered valid, meaning that a large portion of the time in which signatures could be collected was covered by the Stay-at-Home Order.

111. As of July 28, 2020, Plaintiff Jobs for Oakland had collected 195 signatures in the City of Auburn Hills, or approximately 13 percent of what was

required to have the proposed initiated ordinance placed on the November 3, 2020 general election ballot.

Jobs for Oakland - Wixom

112. In the 2018 gubernatorial election, 6,059 votes were cast in the City of Wixom, meaning that, pursuant to the MRTMA, 303 signatures were required for an initiated ordinance under that statute.

113. Plaintiff Jobs for Oakland began circulating petitions for signatures in the City of Wixom prior to the July 28, 2020 deadline and diligently attempted to gather signatures in the City of Wixom up until that deadline.

114. During the time it was circulating its petitions in the City of Wixom, Plaintiff Jobs for Oakland experienced difficulty collecting signatures due to Governor Whitmer's executive orders.

115. As of July 28, 2020, Plaintiff Jobs for Oakland had collected 250 signatures in the City of Wixom, or approximately 83 percent of what was required to have the proposed initiated ordinance placed on the November 3, 2020.

Jobs for Plymouth

116. Plaintiff Jobs for Plymouth was established as a local ballot question committee by filing a statement of organization with the Wayne County Clerk pursuant to Mich. Comp. Laws §§ 169.224(1) and 169.236(2).

117. Plaintiff Jobs for Plymouth was established to support an initiative related to a proposed ordinance under the city charter concerning marijuana establishments in the City of Plymouth.

118. Upon information and belief, in the 2018 gubernatorial election, 5,413 votes were cast in the City of Plymouth, meaning that, pursuant to the city charter, 812 signatures were required for an initiated ordinance.

119. On or about July 6, 2020, Plaintiff Jobs for Plymouth submitted its petition to the Plymouth City Attorney for approval as to form, as is required pursuant to the Plymouth City Charter.

120. On or about July 20, 2020, the Plymouth City Attorney approved Plaintiff Jobs for Plymouth's petition as to form.

121. On or about July 22, 2020 Plaintiff Jobs for Plymouth began circulating petitions for signatures.

122. During the time it was circulating its petition, Plaintiff Jobs for Plymouth experienced difficulty collecting signatures due to Governor Whitmer's executive orders.

123. Moreover, pursuant to the Plymouth City Charter, only signatures gathered on or after January 30, 2020 were considered valid, meaning that a large portion of the time in which signatures could be collected was covered by the Stay-at-Home Order.

124. Plaintiff Jobs for Plymouth diligently attempted to gather signatures up until the July 28, 2020 deadline.

125. As of July 28, 2020, Plaintiff Jobs for Plymouth had collected 172 signatures, or approximately 21 percent of what was required to have the proposed initiated ordinance placed on the November 3, 2020 general election ballot.

Progress for Saline

126. Progress for Saline was established as a local ballot question committee by filing a statement of organization with the Washtenaw County Clerk pursuant to Mich. Comp. Laws §§ 169.224(1) and 169.236(2).

127. Plaintiff Progress for Saline was established to support an initiative related to a proposed ordinance under the city charter concerning marihuana establishments in the City of Saline.

128. Upon information and belief, there are 7,449 registered electors in the City of Saline, meaning that an initiatory petition seeking to initiate an ordinance under the Saline City Charter needs 372 signatures in order to be placed on the ballot pursuant to § 7.6 of the City Charter and Mich. Comp. Laws 117.25(1).

129. Plaintiff Progress for Saline began circulating petitions for signatures prior to the July 28, 2020 deadline and diligently attempted to gather signatures up until that deadline.

130. During the time it was circulating its petition, Plaintiff Progress for Saline experienced difficulty collecting signatures due to Governor Whitmer's executive orders.

131. Upon information and belief, as of July 28, 2020, Plaintiff Progress for Saline had collected approximately 132 signatures, or approximately 35 percent of what was required to have the proposed charter amendment and initiated ordinance placed on the November 3, 2020 general election ballot. However, it is unclear if all of these signatures are valid and would be counted. It is estimated that less than fifty percent are valid.

CAUSES OF ACTION

COUNT I – VIOLATION OF FIRST AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AS TO ENFORCEMENT OF INITIATIVES UNDER CITY CHARTER PROVISIONS OR THE MRTMA

132. The preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

133. The First Amendment of the United States Constitution prohibits the abridgment of speech and political association.

134. The First Amendment applies to the states through the Fourteenth Amendment.

135. All persons violating the First Amendment under color of state law are liable in equity and at law under 42 U.S.C. § 1983.

136. Plaintiffs are ballot question committees that have actively and diligently attempted to obtain sufficient signatures to place proposed charter amendments and/or ordinances on the November 3, 2020 general election ballot for multiple cities throughout Michigan through the initiative process.

137. Due to the COVID-19 pandemic and Governor Whitmer's myriad executive orders, the Plaintiffs' ability to circulate petitions and gather sufficient signatures has effectively been rendered impossible.

138. Collecting signatures is a laborious process that requires close contact with registered electors.

139. Moreover, as this Court has previously noted, individuals seeking to gather petition signatures for political sources do so "door-to-door, or in high-traffic public places like outside malls, grocery stores, crowded school or community events, public rallies, or places of worship." *Esshaki v. Whitmer*, No. 2:20-CV-10831-TGB, 2020 WL 1910154, at *1 (E.D. Mich. April 20, 2020).

140. Governor Whitmer's executive orders have largely shuttered such places and prohibited such events, meaning that signature gatherers could not procure signatures at locations where large masses gather as they would under normal circumstances.

141. Moreover, individuals are largely prohibited from circulating petitions on private property, such as at the entrances to businesses that have remained open

during the COVID-19 pandemic, such as grocery stores or pharmacies. *See, e.g., Woodland v. Michigan Citizens Lobby*, 378 N.W.2d 337 (Mich. 1985).

142. In practice, Governor Whitmer's executive orders effectively forced Plaintiffs to gather signatures by going door-to-door in the Defendant Cities.

143. Such a reality effectively foreclosed the ability of signature gatherers to procure signatures, as the process is not only time consuming, but nearly impossible at a time when few individuals are willing to answer their doors due to the highly-contagious nature of COVID-19.

144. Because Governor Whitmer's orders effectively foreclose the ability of local ballot question committees to circulate petitions and procure signatures, the strict enforcement of signature threshold contained in the MRTMA and the City Charter Provisions essentially denies Plaintiffs their ability to petition to initiate ordinances for the November 3, 2020 general election ballot.

145. Consequently, strict enforcement of these provisions arbitrarily denies the ability of local ballot question committees to engage in protected political activity and restricts the ability of Michigan electors to support and vote for an initiative or charter amendment.

146. Indeed, this Court has already held as much twice before, albeit in different, yet highly related, circumstances.

147. In *Esshaki*, Judge Berg found that, with regard to candidates for electoral office seeking signatures on nominating petitions, “state action has pulled the rug out from under their ability to collect signatures.” Judge Berg went on to state that:

Since March 23, 2020, traditional door-to-door signature collecting has become a misdemeanor offense; malls, churches and schools and other public venues where signatures might be gathered have been shuttered, and even the ability to rely on the mail to gather signatures is uncertain – if not prohibitively expensive. Absent relief, Plaintiff’s lack of a viable, alternative means to procure the signatures he needs means that he faces virtual exclusion from the ballot. After considering Defendants’ arguments, this Court has little trouble concluding that the unprecedented – though understandably necessary – restrictions imposed on daily life by the Stay-at-Home Order, when combined with the ballot access requirements of Sections 168.133 and 168.544f, have created a severe burden on Plaintiff’s exercise of his free speech and free association rights under the First Amendment, as well as his due process and equal protection rights under the Fourteenth Amendment – as expressed in his effort to place his name on the ballot for elective office.

Esshaki, 2020 WL 1910154, at *6.

148. Likewise in *SawariMedia v Whitmer*, Judge Leitman found that Governor Whitmer’s executive orders, “together with strict enforcement of Michigan’s signature requirement and filing deadline, impose a severe and impermissible burden on...First Amendment rights” *SawariMedia LLC v. Whitmer*, No. 20-CV-11246, 2020 WL 3097266, at *5 (E.D. Mich. June 11, 2020).

149. Circulating and signing initiatory petitions is core political speech where First Amendment protection is said to be “at its zenith.” *Meyer v. Grant*, 486 U.S. 414, 425 (1988).

150. The signature requirements set forth in Mich. Comp. Laws §117.25(1), M.C.L. § 333.27956(1), and the City Charter Provisions, therefore, violate the First Amendment as applied to Plaintiffs under the circumstances.

151. As applied to Plaintiffs under the circumstances, the signature threshold requirements in Mich. Comp. Laws §117.25(1), Mich. Comp. Laws § 333.27956(1), and the City Charter Provisions are burdensome, unreasonable, and not narrowly tailored to meet any compelling or legitimate state interest.

152. Moreover, the signature requirements and deadlines for electoral candidates and statewide ballot initiatives were not enforced by the State Defendants as a result of rulings by this Court, meaning that failure to apply similar rules to local ballot initiatives under the circumstances is unequal protection of the law.

**COUNT II – VIOLATION OF FIRST AND FOURTEENTH
AMENDMENTS TO THE UNITED STATES CONSTITUTION AS TO
ENFORCEMENT OF STATE STATUTORY FILING DEADLINES**

153. The preceding paragraphs are hereby incorporated by reference as if set forth fully herein.

154. The First Amendment of the United States Constitution prohibits the abridgment of speech and political association.

155. The First Amendment applies to the states through the Fourteenth Amendment.

156. All persons violating the First Amendment under color of state law are liable in equity and at law under 42 U.S.C. § 1983.

157. As set forth herein, the petition submission deadline in Mich. Comp. Laws § 168.646a(2), in conjunction with Governor Whitmer's executive orders, effectively rendered the signature gathering process for local ballot proposals impossible.

158. The petition submission deadline set forth in Mich. Comp. Laws § 168.646a(2), therefore, violates the First Amendment as applied to Plaintiffs under the circumstances.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Enter judgment in favor of Plaintiffs and against Defendants;
- B. Declare that the petition signature requirements codified at Mich. Comp. Laws §117.25(1), Mich. Comp. Laws § 333.27956(1), and the City Charter Provisions, are unconstitutional as applied to Plaintiffs, and therefore unenforceable;

- C. Declare that the petition submission deadlines codified at Mich. Comp. Laws § 168.646a(2) are unconstitutional as applied to Plaintiffs, and therefore unenforceable;
- D. Issue a temporary restraining order and/or preliminary injunction prohibiting State Defendants from enforcing the signature submission deadline in Mich. Comp. Laws § 168.646a(2) as it applies to Plaintiffs and similarly situated local ballot question committees;
- E. Issue a temporary restraining order and/or preliminary injunction prohibiting Defendants from enforcing the signature requirements contained in Mich. Comp. Laws §117.25(1), Mich. Comp. Laws § 333.27956(1), and the City Charter Provisions as they apply to Plaintiffs and similarly situated local ballot question committees;
- F. Order that Defendants craft appropriate remedies with regard to petition signature requirements and submission deadlines as codified in the City Charter Provisions, and Mich. Comp. Laws §§ 117.25(1), 333.27956(1), and 168.646a(2), so as to rectify constitutional infirmities and allow Plaintiffs an opportunity to qualify for the November 3, 2020 general election ballot; and

G. Grant or award such other relief as the Court may deem just, equitable or appropriate under the circumstances.

Respectfully submitted,

/s/ Kevin M. Blair

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Exhibit A



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

SECRETARY OF SENATE
2020 JUN 1 PM3:02

EXECUTIVE ORDER

No. 2020-110

Temporary restrictions on certain events, gatherings, and businesses

Rescission of Executive Orders 2020-69 and 2020-96

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, and 2020-96, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective: the number of new confirmed cases each day continues to drop. Although the virus remains aggressive and persistent—on May 31, 2020, Michigan reported 57,397 confirmed cases and 5,491 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We are now in the process of gradually resuming in-person work and activities. In so doing, however, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

With this order, I find it reasonable and necessary to move the state to Stage 4 of the Michigan Safe Start Plan. As a result, Michiganders are no longer required to stay home. Instead, certain businesses will remain closed and specific activities that present a

heightened risk of infection will remain prohibited. Any work that is capable of being performed remotely must be performed remotely.

Under this order, retailers will be allowed to resume operations on June 4. Restaurants and bars may reopen fully on June 8. Swimming pools and day camps for kids will also be permitted to reopen on the same day. Those businesses and activities will be subject to safety guidance to mitigate the risk of infection. Other businesses and activities that necessarily involve close contact and shared surfaces, including gyms, hair salons, indoor theaters, tattoo parlors, casinos, and similar establishments, will remain closed for the time being.

Michiganders must continue to wear face coverings when in enclosed public spaces and should continue to take all reasonable precautions to protect themselves, their co-workers, their loved ones, and their communities. Indoor social gatherings and events of more than 10 people are prohibited. Outdoor social gatherings and events are permitted so long as people maintain six feet of distance from one another and the assemblage consists of no more than 100 people.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. For purposes of this order, Michigan comprises eight separate regions.
 - (a) Region 1 includes the following counties: Monroe, Washtenaw, Livingston, Genesee, Lapeer, Saint Clair, Oakland, Macomb, and Wayne.
 - (b) Region 2 includes the following counties: Mason, Lake, Osceola, Clare, Oceana, Newaygo, Mecosta, Isabella, Muskegon, Montcalm, Ottawa, Kent, and Ionia.
 - (c) Region 3 includes the following counties: Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, Saint Joseph, and Branch.
 - (d) Region 4 includes the following counties: Oscoda, Alcona, Ogemaw, Iosco, Gladwin, Arenac, Midland, Bay, Saginaw, Tuscola, Sanilac, and Huron.
 - (e) Region 5 includes the following counties: Gratiot, Clinton, Shiawassee, Eaton, and Ingham.
 - (f) Region 6 includes the following counties: Manistee, Wexford, Missaukee, Roscommon, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency, Alpena, Charlevoix, Cheboygan, Presque Isle, and Emmet.
 - (g) Region 7 includes the following counties: Hillsdale, Lenawee, and Jackson.
 - (h) Region 8 includes the following counties: Gogebic, Ontonagon, Houghton, Keweenaw, Iron, Baraga, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac, and Chippewa.

2. Any work that is capable of being performed remotely (i.e., without the worker leaving his or her home or place of residence) must be performed remotely.
3. Any business or operation that requires its employees to leave their home or place of residence for work is subject to the rules on workplace safeguards in Executive Order 2020-97 or any order that may follow from it.
4. Any individual who leaves his or her home or place of residence must:
 - (a) Follow social distancing measures recommended by the Centers for Disease Control and Prevention (“CDC”), including remaining at least six feet from people from outside the individual’s household to the extent feasible under the circumstances.
 - (b) Wear a face covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space, unless the individual is unable medically to tolerate a face covering.
 - (1) An individual may be required to temporarily remove a face covering upon entering an enclosed public space for identification purposes. An individual may also remove a face covering to eat or drink when seated at a restaurant or bar.
 - (2) Businesses and building owners, and those authorized to act on their behalf, are permitted to deny entry or access to any individual who refuses to comply with the rule in this subsection (b). Businesses and building owners will not be subject to a claim that they have violated the covenant of quiet enjoyment, to a claim of frustration of purpose, or to similar claims for denying entry or access to a person who refuses to comply with this subsection (b).
 - (3) Supplies of N95 masks and surgical masks should generally be reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers who interact with the public.
 - (4) The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 et seq., and any other protections against discrimination in Michigan law, apply in full force to individuals who wear a face covering under this order.
5. Indoor social gatherings and events among persons not part of a single household are permitted, but may not exceed 10 people.
6. Outdoor social gatherings and events among persons not part of a single household are permitted, but only to the extent that:
 - (a) The gathering or event does not exceed 100 people, and
 - (b) People not part of the same household maintain six feet of distance from one another.

7. Unless otherwise prohibited by local regulation, outdoor parks and recreational facilities may be open, provided that they make any reasonable modifications necessary to enable employees and patrons not part of the same household to maintain six feet of distance from one another, and provided that areas in which social distancing cannot be maintained be closed, subject to guidance issued by the Department of Health and Human Services.
8. Unless otherwise prohibited by local regulation, public swimming pools, as defined by MCL 333.12521(d), may open as of June 8, 2020, provided that they are outdoors and limit capacity to 50% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code, and subject to guidance issued by the Department of Health and Human Services. Indoor public swimming pools must remain closed.
9. Day camps for children, as defined by Rule 400.11101(i) of the Michigan Administrative Code, may open as of June 8, 2020, subject to guidance issued by the Department of Licensing and Regulatory Affairs. Residential, travel, and troop camps within the meaning of Rule 400.11101(n), (p), or (q) of the Michigan Administrative Code must remain closed for the time being.
10. Unless otherwise prohibited by local regulation, libraries and museums may open as of June 8, 2020, subject to the rules governing retail stores described in Executive Order 2020-97 or any order that may follow from it.
11. Stores that were closed under Executive Order 2020-96 (or that were open only by appointment under the same order) must remain closed to the public (or open only by appointment) until June 4 at 12:01 am. Such stores may then resume normal operations, subject to local regulation and to the capacity constraints and workplace standards described in Executive Order 2020-97 or any order that may follow from it.
12. Subject to the exceptions in section 14, the following places are closed to ingress, egress, use, and occupancy by members of the public:
 - (a) Indoor theaters, cinemas, and performance venues.
 - (b) Indoor gymnasiums, fitness centers, recreation centers, sports facilities, exercise facilities, exercise studios, and the like.
 - (c) Facilities offering non-essential personal care services, including hair, nail, tanning, massage, traditional spa, tattoo, body art, and piercing services, and similar personal care services that involve close contact of persons.
 - (d) Casinos licensed by the Michigan Gaming Control Board, racetracks licensed by the Michigan Gaming Control Board, and Millionaire Parties licensed by the Michigan Gaming Control Board.

- (e) Indoor services or facilities, or outdoor services or facilities involving close contact of persons, for amusement or other recreational or entertainment purposes, such as amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, indoor dance areas, skating rinks, trampoline parks, and other similar recreational or entertainment facilities.
13. Unless otherwise prohibited by local regulation, restaurants, food courts, cafes, coffeehouses, bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and like places may be open to the public as follows:
- (a) For delivery service, window service, walk-up service, drive-through service, or drive-up service, and may permit up to five members of the public at one time for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.
 - (b) In Regions 1, 2, 3, 4, 5, and 7, beginning at 12:01 am on June 8, 2020, for outdoor and indoor seating, subject to the capacity constraints and workplace standards described in Executive Order 2020-97 or any order that may follow from it.
 - (c) In Regions 6 and 8, for outdoor and indoor seating, subject to the capacity constraints and workplace standards described in Executive Order 2020-97 or any order that may follow from it.
14. The restrictions imposed by sections 12 and 13 of this order do not apply to any of the following:
- (a) Outdoor fitness classes, athletic practices, training sessions, or games, provided that coaches, spectators, and participants not from the same household maintain six feet of distance from one another at all times during such activities, and that equipment and supplies are shared to the minimum extent possible and are subject to frequent and thorough disinfection and cleaning.
 - (b) Services necessary for medical treatment as determined by a licensed medical provider.
 - (c) Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.
 - (d) Crisis shelters or similar institutions.
 - (e) Food courts inside the secured zones of airports.
 - (f) Employees, contractors, vendors, or suppliers who enter, use, or occupy the places described in section 12 of this order in their professional capacity.
15. Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority. Similarly, nothing in this order shall be taken to abridge

protections guaranteed by the state or federal constitution under these emergency circumstances.

16. Consistent with prior guidance, neither a place of religious worship nor its owner is subject to penalty under section 19 of this order for allowing religious worship at such place. No individual is subject to penalty under section 19 of this order for engaging in religious worship at a place of religious worship, or for violating the face covering requirement of section 4(b) of this order.
17. Executive Orders 2020-69 and 2020-96 are rescinded. Except as specified, nothing in this order supersedes any other executive order. This order takes effect immediately unless otherwise specified.
18. In determining whether to maintain, intensify, or relax the restrictions in this order, I will consider, among other things, (1) data on COVID-19 infections and the disease's rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health care workforce; (4) the state's capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.
19. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.



Date: June 1, 2020

Time: 2:27 pm

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE

Exhibit B

Sec. 5.8. - Initiative and referendum.

An ordinance may be initiated by petition. A referendum on an ordinance enacted by the council may be had by a petition filed prior to twenty (20) days subsequent to enactment of the ordinance; as hereinafter provided.

Exhibit C

current form. Any such codification may include provisions not previously contained in the ordinances of the City.

(b) The Council shall provide for making copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefor and shall publish notice of the printing and availability of such codification before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute the publication, as required by law, of any such codification, other provisions of this Charter for the publication of ordinances notwithstanding.

(c) The copies of the ordinances and of the codification thereof, and of provisions adopted by reference in accordance with Section 7.6 may be certified by the Clerk, and, when so certified, shall be competent evidence in all courts and other legally established tribunals as to the matter contained therein.

INITIATIVE AND REFERENDUM:

Section 7.9. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided.

INITIATORY AND REFERENDARY PETITIONS:

Section 7.10. (a) An initiatory or a referendary petition shall be signed by not less than ten percent of the registered electors of the City, as of the date of the last regular City election, and all signatures on said petition shall be obtained within sixty days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to content, except as to signatures, and simultaneously filed by one person. An initiatory petition shall set forth, in full, the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or part thereof, or code sections it proposes to have repealed.

(b) Each signer of a petition shall sign his name, and shall place thereon after his name, the date, and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered

Exhibit D

Section 6.11. - Initiative and Referendum.

An ordinance may be initiated, or a referendum on an ordinance enacted by the Commission may be had, by a petition, as hereinafter provided.

Exhibit E

Sec. 7.4. - Initiative and referendum procedure.

Ordinances may be initiated by petition. Within sixty days after certification by the clerk of the sufficiency of a petition, the council shall take action either by passing the initiated ordinance without alteration, or in amended form, or by rejecting it. If the council shall pass the ordinance without alteration or in amended form, it shall become law; but if the initiated ordinance is adopted in amended form, it shall not take effect if the committee of petitioners named in the petition certify to the clerk within ten days after the measure is adopted that they require submission of the initiated ordinance without alteration to the vote of the electors; and if the initiated ordinance so submitted be approved by a majority of the electors voting thereon, the ordinance as passed by the council shall stand repealed. If the council rejects the initiated ordinance outright, it shall be submitted without alteration to the vote of the people. Whenever an initiated ordinance is required by this charter to be submitted to the people, the council shall call a special election within sixty days, but not within thirty days, after action has been taken by the council in accordance with the provisions of this section, unless a regular city or state election or primary is fixed within ninety days, but not within thirty days; and if approved by a majority of the electors voting thereon, it shall be deemed enacted and shall be recorded and authenticated as are other ordinances. The repeal of any ordinance may be initiated as here provided for the adoption of ordinances.

State Law reference— Charter may provide for initiative and referendum, MCL 117.4i(6).

Exhibit F

Sec. 5.9. - Petitions.

An initiatory or a referendary petition shall be signed by registered qualified electors of the city in number equal to ten (10) percent of the active registration file of voters at the preceding state even-numbered year election prior to the filing of the petition. Before circulated for signatures, all such petitions shall be approved as to form by the clerk. No such petition need be on one (1) paper, but may be the aggregate of two (2) or more petition papers each containing a copy of the issue. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place thereon, after his name, the date and his place of residence by street and number. To each petition paper there shall be attached a certificate by the circulator thereof, stating the number of signers thereto and that each signature thereon is a genuine signature of the person whose name it purports to be, and that it was made in the presence of the circulator. Any such petition shall be filed with the clerk who shall, within ten (10) days, determine the sufficiency thereof and so certify. Any signatures obtained more than ninety (90) days before filing of such petition with the clerk shall not be counted. If found to contain an insufficient number of signatures of qualified registered electors of the city, or to be improper as to form or compliance with the provisions of this section, ten (10) days shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the clerk shall present the petition to the council at its next regular meeting. If found not to be in compliance with this section, no further action will be had with the petitions.

Exhibit G

current form. Any such codification may include provisions not previously contained in the ordinances of the City.

(b) The Council shall provide for making copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefor and shall publish notice of the printing and availability of such codification before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute the publication, as required by law, of any such codification, other provisions of this Charter for the publication of ordinances notwithstanding.

(c) The copies of the ordinances and of the codification thereof, and of provisions adopted by reference in accordance with Section 7.6 may be certified by the Clerk, and, when so certified, shall be competent evidence in all courts and other legally established tribunals as to the matter contained therein.

INITIATIVE AND REFERENDUM:

Section 7.9. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided.

INITIATORY AND REFERENDARY PETITIONS:

Section 7.10. (a) An initiatory or a referendary petition shall be signed by not less than ten percent of the registered electors of the City, as of the date of the last regular City election, and all signatures on said petition shall be obtained within sixty days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to content, except as to signatures, and simultaneously filed by one person. An initiatory petition shall set forth, in full, the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or part thereof, or code sections it proposes to have repealed.

(b) Each signer of a petition shall sign his name, and shall place thereon after his name, the date, and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered

electors of the City, the Clerk shall notify forthwith, by registered or certified mail, the person filing such petition and fifteen days from such notification shall be allowed for filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting.

COUNCIL PROCEDURE ON INITIATORY
AND REFERENDARY PETITIONS:

Section 7.11. Upon the presentation to the Council of an initiatory or referendary petition by the Clerk, the Council shall, within thirty days, unless otherwise provided by statute, either:

- (1) Adopt the ordinance as submitted by an initiatory petition;
- (2) Repeal the ordinance, or part thereof, referred to by a referendary petition; or
- (3) Determine to submit the proposal provided for in the petition to the electors.

SUBMISSION OF INITIATORY AND
REFERENDARY ORDINANCES TO ELECTORS:

Section 7.12. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. In the case of an initiatory petition, if no election is to be held in the City for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance then the Council shall call for a special election within ninety days from such date of presentation for the submission of the initiative proposal. The result of all elections, held under the provisions of this section shall be determined by a majority vote of the elector's voting thereon, except in cases where otherwise required by statute or the Constitution.

ORDINANCE SUSPENDED; MISCELLANEOUS
PROVISIONS ON INITIATORY AND
REFERENDARY PETITIONS:

Section 7.13. (a) The presentation to the Council by the Clerk of a valid and sufficient referendary petition, containing a number of signatures equal to twenty-five per cent of the registered

Exhibit H

Section 6.12. - Petitions.

A petition initiating an ordinance, or requesting a referendum on an ordinance, shall be signed by not less than fifteen percent of the number of electors of the City who voted for governor of the State of Michigan at the last fall election held in the state. Before being circulated for signatures, all such petitions shall be approved as to form by the City Attorney. No such petition need be on one paper but may be the aggregate of two or more petition papers. Each signer of a petition shall sign his/her name in ink or indelible pencil, and shall place thereon, after his/her name, the date and place of his/her residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk, who shall, within ten days, canvass the signatures thereon to determine the sufficiency thereof. No signature on any petition initiating an ordinance or requesting a referendum on an ordinance shall be counted in the canvass thereof which was signed more than six months prior to the date on which such petition was filed with the Clerk, or in case the date following such signature has been altered in any manner. If any such petition shall be found to contain an insufficient number of signatures of registered electors of the City, or to be improper as to form or not to be in compliance with the provisions of this section, the Clerk shall notify the person filing such petition forthwith, and ten days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall certify such fact on the petition of not less than one paper thereof, indicating the date and time of such certification, and shall present the petition to the Commission at its next regular meeting.

Exhibit I

Sec. 7.6. - Initiatory and referendary petitions.

To be effective, initiative and referendum petitions shall be signed only by qualified and registered electors of the city to a number equal to that required for initiatory petitions to place charter amendments on the ballot, and attached to every signature shall be added the date of signing and the place of residence of the signer, the street and number, or other adequate description. The signatures need not be made by one paper, but all petition papers circulated with reference to any ordinance shall be uniform in character. The circulator of each paper shall make an affidavit that each signature appended to the paper was made in his presence and is the genuine signature of the person whose name it purports to be. Signatures shall be in ink or indelible pencil. Initiative petitions shall contain the purported ordinance in full and initiative and referendum petitions alike shall name five persons as a committee to represent the signers.

All papers comprising an initiative or referendum petition shall be filed with the city clerk. The clerk shall proceed immediately to determine the sufficiency of the petition, and upon completion of the examination shall attach his certificate of the result. If the petition is defective, the clerk shall show by his certificate in what respect, and shall at once notify the committee of the petitioners of his finding. The petition may be amended within ten days after the making of the certificate by the clerk by the filing of a supplementary petition upon additional papers, which shall be examined and certified by the clerk as before. If the certificate of the clerk shows the petition still insufficient, proceedings thereon shall be terminated, without prejudice to the filing of a new petition for the same purpose. The clerk shall cause any ordinance or proposition which is required to be submitted to the electors, to be published in full, with the notice of election therefor.

Exhibit J

2020

MICHIGAN ELECTION DATES

Includes list of filing
requirements for federal and
state elective offices



Jocelyn Benson
Secretary of State

Michigan.gov/elections

ELECTIONS: For information on matters relating to elections, contact your county, city or township clerk. Information can also be obtained from the Michigan Department of State, Bureau of Elections, P.O. Box 20126, Lansing, MI 48901-0726. Phone: (517) 335-3234. Fax: (517) 335-3235. Email: Elections@Michigan.gov. Web site: Michigan.gov/Elections.

FINANCIAL DISCLOSURE: State candidates, local candidates and political groups have financial disclosure obligations under Michigan's Campaign Finance Act. For information, contact your county clerk or the Michigan Department of State, Bureau of Elections.

Candidates running for federal office should contact the Federal Election Commission, 1050 First Street N.W., Washington, D.C. 20463. Toll free line: (800) 424-9530. Web site: fec.gov.

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SUMMARY CALENDAR FOR CANDIDATE AND PROPOSAL DEADLINES

August 4, 2020 Primary and November 3, 2020 General Election

Important Dates and Filing Deadlines

Refer to Michigan compiled law for cited provisions ([Legislature.Mi.Gov.](http://Legislature.Mi.Gov)) Dates are subject to change through legislative action. If any errors are found, it is the law, itself, which must be followed.

Election Dates

August 4, 2020 State Primary
November 3, 2020 State General Election

Registration Deadlines

July 20, 2020 Last day to register in any manner other than in-person with the local clerk for the August primary. (168.497)
July 21 through 8:00 p.m. August 4, 2020 In-person registration with local clerk with proof of residency. (168.497)
October 19, 2020 Last day to register in any manner other than in-person with the local clerk for the November general election. (168.497)
October 20 through 8:00 p.m. November 3, 2020 In-person registration with local clerk with proof of residency. (168.497)

Filing Deadlines: Candidates

By 5:00 p.m., March 23, 2020 Incumbent Appeals Court, Circuit Court, District Court and Probate Court judges file Affidavit of Candidacy and Affidavit of Identity for the August primary. Withdrawal deadline elapses at 5:00 p.m. on March 26. (168.409b, 413a, 414, 433a, 434, 467c and 467d)
By 4:00 p.m., April 21, 2020 Candidates seeking Appeals Court, Circuit Court, District Court or Probate Court judgeships file nonpartisan nominating petitions, Affidavit of Identity and Affidavit of Constitutional Qualification for the August primary. Withdrawal deadline elapses at 5:00 p.m. on April 24. (168.409b, 409c, 413, 414, 433, 434, 467b and 467d)
By 4:00 p.m., April 21, 2020 Candidates seeking a Wayne County Community College Trustee position file an Affidavit of Identity and a nonpartisan nominating petition. Withdrawal deadline elapses at 4:00 p.m. on April 24. (389.83, 2018 PA 628; 168.303)

- By 4:00 p.m.,
April 21, 2020** Candidates for partisan and nonpartisan offices (other than judicial candidates) file nominating petitions (or fees if applicable) and Affidavit of Identity for the August primary. Withdrawal deadline elapses at 4:00 p.m. on April 24. (168.93, 133 and 163 for federal and state-level offices; assorted other statutes for local offices)
- By 4:00 p.m.,
May 5, 2020** Candidates for county convention delegate (precinct delegate) file an Affidavit of Identity for the August primary. Filing submitted to the clerk of the county in which candidate resides. Withdrawal deadline elapses at 4:00 p.m. on May 8. (168.624, 624a)
- By 5:00 p.m.,
July 6, 2020** Incumbent Supreme Court Justices file Affidavit of Identity and Affidavit of Candidacy forms for the November general election. (168.392a and 558)
- By 4:00 p.m.,
July 16, 2020** District Library Board candidates who wish to seek office at the November general election file an Affidavit of Identity and a nonpartisan nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) (Special note: If district library includes a school district, District Library Board candidates file by 4:00 p.m. on August 11, 2020) (397.181)
- By 4:00 p.m.,
July 16, 2020** Candidates without political party affiliation seeking partisan offices file qualifying petitions and Affidavit of Identity for the November general election. Withdrawal deadline elapses at 4:00 p.m. on July 20. (168.590c)
- By 4:00 p.m.,
July 21, 2020** Candidates for Local School Board and Community College Trustee file an Affidavit of Identity and a nonpartisan nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) Withdrawal deadline elapses at 4:00 p.m. on July 24. (168.303; 389.152)
- By 4:00 p.m.,
July 21, 2020** Candidates for village offices file an Affidavit of Identity and a nonpartisan nominating petition. Withdrawal deadline elapses at 4:00 p.m. on July 24. (168.381)
- By 4:00 p.m.,
July 24, 2020** Write-in candidates other than write-in candidates who seek precinct delegate positions file Declaration of Intent forms for the August primary. (168.737a)
- By 4:00 p.m.,
July 31, 2020** Write-in candidates who seek precinct delegate positions file Declaration of Intent forms with the county clerk for the August primary. (As an alternative, candidates for precinct delegate may file the Declaration of Intent form with appropriate precinct board on election day before the close of the polls.) (168.737a)
- August 4, 2020** **STATE PRIMARY ELECTION**

**By 4:00 p.m.,
August 11, 2020** District Library Board candidates (for library districts that include a school district) file an Affidavit of Identity and a nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) Withdrawal deadline elapses at 4:00 p.m. on August 14, 2020. (Special note: If district library does not include a school district, District Library Board candidates file by 4:00 p.m. on July 16, 2020). (397.181)

**By 4:00 p.m.,
Oct. 23, 2020** Write-in candidates file Declaration of Intent forms for the November general election. (168.737a)

November 3, 2020 **STATE GENERAL ELECTION**

Filing Deadlines: New Parties and State Ballot Proposals

**By 5:00 p.m.,
May 27, 2020** Petitions to place a legislative initiative proposal on the November general election ballot filed with the Secretary of State (340,047 valid signatures required). (168.471)

**By 5:00 p.m.,
July 6, 2020** Petitions to place a proposed constitutional amendment on the November general election ballot filed with the Secretary of State (425,059 valid signatures required). (168.471)

**By 4:00 p.m.,
July 16, 2020** New political parties file petitions to qualify for November general election ballot (42,506 valid signatures required). (168.685)

Filing Deadlines: County and Local Proposals

**By 5:00 p.m.,
April 28, 2020** Petitions to place county and local questions on the August primary ballot filed with county and local clerks. (168.646a)

**By 4:00 p.m.,
May 12, 2020** Ballot wording of county and local proposals to be presented at the August primary certified to county and local clerks; local clerks receiving ballot wording forward to county clerk within two days. (168.646a)

**By 5:00 p.m.,
July 28, 2020** Petitions to place county and local questions on the November general election ballot filed with county and local clerks. (168.646a)

**By 4:00 p.m.,
August 11, 2020** Ballot wording of county and local proposals to be presented at the November general election certified to county and local clerks; local clerks receiving ballot wording forward to county clerk within two days. (168.646a)

DETAILED CALENDAR FOR ELECTION ADMINISTRATORS

**-- 2020 ELECTION DATES --
AUGUST 4 PRIMARY
NOVEMBER 3 GENERAL ELECTION**

All listed dates are in 2020 unless otherwise specified. Refer to Michigan compiled law for cited provisions ([Legislature.Mi.Gov.](http://Legislature.Mi.Gov)) Dates are subject to change through legislative action. If any errors are found, it is the law, itself, which must be followed.

- By Jan. 7** City and township election commissions finalize precinct boundaries for 2020 election cycle. (168.661)
- By Feb. 6** Last date precinct boundary alterations made for 2020 election cycle can go into effect. (168.661)
- By March 1** Democratic and Republican state party chairpersons notify county and district committee chairs of county convention delegate (precinct delegate) allocation requirements. (168.623a)
- By 5:00 p.m.,
March 23** Incumbent Appeals Court, Circuit Court, District Court and Probate Court judges file Affidavit of Candidacy and Affidavit of Identity for the August primary. Withdrawal deadline elapses at 5:00 p.m. on March 26. (168.409b, 413a, 414, 433a, 434, 467c, 467d)
- By April 1** County political party chairpersons certify number of delegates per precinct to county election commissions. (168.623a)
- By 4:00 p.m.,
April 21** Candidates seeking Appeals Court, Circuit Court, and District Court or Probate Court judgeships file nonpartisan nominating petitions, Affidavit of Identity and Affidavit of Constitutional Qualification for the August primary. Withdrawal deadline elapses at 5:00 p.m. on April 24. (168.409b, 409c, 413, 414, 433, 434, 467b, 467d)
- By 4:00 p.m.,
April 21** Candidates for partisan and nonpartisan offices (other than judicial candidates) file nominating petitions (or fees if applicable) and Affidavit of Identity for the August primary. Withdrawal deadline elapses at 4:00 p.m. on April 24. (168.93, 133, 163 for federal and state-level offices; assorted other statutes for local offices)
- By 4:00 p.m.,
April 21** Candidates seeking a Wayne County Community College Trustee position file an Affidavit of Identity and a nonpartisan nominating petition. Withdrawal deadline elapses at 4:00 p.m. on April 24. (389.83, 2018 PA 628; 168.303)
- By April 27** City and township clerks forward names and addresses of partisan and nonpartisan candidates to county clerk. (168.321, 349)
- By 5:00 p.m.,
April 28** Challenges against nominating petitions filed by partisan and nonpartisan candidates submitted to filing official. (168.552)

- By 5:00 p.m.,
April 28** Petitions to place county and local questions on the August primary ballot filed with county and local clerks. (168.646a)
- May 1** Last date a recall petition can be filed for recall question to appear on August primary ballot. (168.963)
- By 4:00 p.m.,
May 5** Candidates for county convention delegate (precinct delegate) file an Affidavit of Identity for the August primary. Filing submitted to the clerk of the county in which candidate resides. Withdrawal deadline elapses at 4:00 p.m. on May 8. (168.624, 624a)
- By 4:00 p.m.,
May 12** Ballot wording of county and local proposals to be presented at the August primary certified to county and local clerks; local clerks receiving ballot wording forward to county clerk within two days. (168.646a)
- By 5:00 p.m.,
May 27** Petitions to place a legislative initiative proposal on the November general election ballot filed with the Secretary of State (340,047 valid signatures required). (168.471)
- By June 2** Board of State Canvassers complete canvass of nominating petitions filed by candidates for the August primary; Secretary of State certifies candidates eligible to appear on August primary ballot to county election commissions by June 5. (168.552)
- June 5** Final date cities and townships can establish, move or abolish a polling place for the August primary. (168.662)
- By June 5** Democratic and Republican Parties call fall state conventions. (168.591)
- By June 5** Ballot wording for constitutional amendments and legislative referendums, which the legislature wishes to place on the August primary ballot, presented to Secretary of State. (Art. 12, Sec. 1)
- By June 20** Delivery of military and overseas AV ballots must begin for the August election by this date. All requests received since November 5, 2019 from a military or overseas voter must be honored for all 2020 elections. (168.759a)
- By June 20** County clerks deliver absent voter ballots for the August primary to local clerks. (168.714)
- By June 20** County committees of Democratic and Republican Parties call county conventions. (168.592)
- June 25 through
July 14** Precinct inspectors for August primary appointed by city and township election commissions. (168.674)
- By July 6** Notice of voter registration for August primary published. One notice required. (168.498)
- By 5:00 p.m.,
July 6** Incumbent Supreme Court Justices file Affidavit of Identity and Affidavit of Candidacy forms for the November general election. (168.392a, 558)

- By 5:00 p.m.,
July 6** Petitions to place a proposed constitutional amendment on the November general election ballot filed with the Secretary of State (425,059 valid signatures required). (168.471)
- By July 6** Clerk shall post and enter into Qualified Voter File (QVF) the hours the clerk's office will be open on the Saturday or Sunday or both immediately before the election to issue and receive absent voter ballots. (168.761b)
- By July 6** Clerk shall post and enter into the QVF any additional locations and hours the clerk will be available to issue and receive absent voter ballots, if applicable. (168.761b)
- By 4:00 p.m.,
July 16** District Library Board candidates who wish to seek office at the November general election file an Affidavit of Identity and a nonpartisan nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) (Special note: If district library includes a school district, District Library Board candidates file by 4:00 p.m. on August 11). (397.181)
- By 4:00 p.m.,
July 16** Candidates without political party affiliation seeking partisan offices file qualifying petitions and Affidavit of Identity for the November general election. Withdrawal deadline elapses at 4:00 p.m. on July 20. (168.590c)
- By 4:00 p.m.,
July 16** New political parties file petitions to qualify for November general election ballot (42,506 valid signatures required). (168.685)
- July 20** Last day to register in any manner other than in-person with the local clerk for the August primary. (168.497)
- July 21 through
8:00 p.m.,
August 4** In-person registration with local clerk with proof of residency. (168.497)
- By 4:00 p.m.,
July 21** Candidates for Local School Board and Community College Trustee file an Affidavit of Identity and a nonpartisan nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) Withdrawal deadline elapses at 4:00 p.m. on July 24. (168.303; 389.152)
- By 4:00 p.m.,
July 21** Candidates for village offices file an Affidavit of Identity and a nonpartisan nominating petition. Withdrawal deadline elapses at 4:00 p.m. on July 24. (168.381)
- By 5:00 p.m.,
July 23** Challenges against qualifying petitions filed by candidates without political party affiliation submitted to filing official. (168.552)
- By July 23** City and township clerks forward names and addresses of candidates without political party affiliation to county clerk. (168.321, 349)
- By 4:00 p.m.,
July 24** Write-in candidates other than write-in candidates who seek precinct delegate positions file Declaration of Intent forms for the August primary. (168.737a)
- By July 25** County clerks deliver remainder of ballots and election supplies for August primary to local clerks. (168.714)

- By 5:00 p.m.,
July 28** Petitions to place county and local questions on the November general election ballot filed with county and local clerks. (If governing law sets an earlier petition filing deadline, earlier deadline must be observed.) (168.646a)
- By July 28** Notice of August primary published. One notice required. (168.653a)
- By July 30** Public accuracy test must be conducted. (R 168.778) Notice of test must be published at least 48 hours before test. (168.798)
- By 4:00 p.m.,
July 31** Write-in candidates who seek precinct delegate positions file Declaration of Intent forms with the county clerk for the August primary. (As an alternative, candidates for precinct delegate may file form with appropriate precinct board on election day before the close of the polls.) (168.737a)
- By 5:00 p.m.,
July 31** Electors may obtain an absent voter ballot via First Class mail. (168.759)
- July 31** Last date a recall petition can be filed for recall question to appear on November general election ballot. (168.963)
- By 2:00 p.m.,
August 1** Voters may submit written request to spoil their absent voter ballot and receive new ballot by mail. (168.765b)
- Up to 4:00 p.m.,
August 3** Electors may obtain an absent voter ballot in person in the clerk's office. (168.761)
- By 4:00 p.m.,
August 3** Voters may submit written request in person to spoil their absent voter ballot and receive new ballot in the clerk's office. (168.765b)
- By August 4** Minor parties hold county caucuses; notify county clerk of nominated candidates within one business day after caucus. (168.686a)
- By August 4** Minor parties hold state conventions; notify Secretary of State of nominated candidates within one business day after convention. (168.686a)
- Up to 4:00 p.m.,
August 4** Emergency absentee voting for August primary. (168.759b)
- Up to 8:00 p.m.,
August 4** Election Day registrants may obtain and vote an absent voter ballot in person in the clerk's office or vote in person in the proper precinct. (168.761)
- August 4** **STATE PRIMARY ELECTION**
- By 9:00 a.m.,
August 6** Boards of county canvassers meet to canvass August primary. (168.821)
- By 4:00 p.m.,
August 11** District Library Board candidates (for library districts that include a school district) file an Affidavit of Identity and a nominating petition. (A \$100.00 nonrefundable fee may be filed in lieu of a petition.) Withdrawal deadline elapses at 4:00 p.m. on August 14. (Special note: If district library does not include a school district, District Library Board candidates file by 4:00 p.m. on July 16.) (397.181)

- By 4:00 p.m.,
August 11** Ballot wording of county and local proposals to be presented at the November general election certified to county and local clerks; local clerks receiving ballot wording forward to county clerk within two days. (168.646a)
- By August 11** County clerks notify precinct delegates elected at August primary; certify delegate names and addresses to chairpersons of county committees. (168.608)
- August 12
through
August 29** Democratic and Republican Parties hold fall county conventions. (168.592)
- By August 18** Boards of county canvassers complete canvass of August primary; county clerks forward results to Secretary of State within 24 hours. (168.581, 822, 828)
- By August 24** Board of State Canvassers meet to canvass August primary. (168.581)
- By Sept. 4** Democratic and Republican Parties hold fall state conventions. (168.591)
- By Sept. 4** Cities and townships can establish, move or abolish a polling place for the November general election. (168.662)
- By Sept. 4** Ballot wording for constitutional amendments and legislative referendums, which the legislature wishes to place on the November general election ballot, presented to Secretary of State. (Art. 12, Sec. 1)
- By Sept. 19** Delivery of military and overseas AV ballots must begin for the November election by this date. All requests received since November 5, 2019 from a military or overseas voter must be honored for all 2020 elections. (168.759a)
- By Sept. 19** County clerks deliver absent voter ballots for November general election to local clerks. (168.714)
- Sept. 24 through
Oct. 13** Precinct inspectors for November general election appointed by city and township election commissions. (168.674)
- By Oct. 5** Notice of voter registration for November general election published. One notice required. (168.498)

- By Oct. 5** Clerk shall post and enter into QVF the hours the clerk's office will be open on the Saturday or Sunday or both immediately before the election to issue and receive absent voter ballots. (168.761b)
- By Oct. 5** Clerk shall post and enter into the QVF any additional locations and hours the clerk will be available to issue and receive absent voter ballots, if applicable. (168.761b)
- Oct. 19** Last day to register in any manner other than in-person with the local clerk for the November general election. (168.497)
- Oct. 20 through 8:00 p.m., Nov. 3** In-person registration with local clerk with proof of residency. (168.497)
- By 4:00 p.m., Oct. 23** Write-in candidates file Declaration of Intent forms for the November general election. (168.737a)
- By Oct. 24** County clerks deliver remainder of ballots and election supplies for November general election to local clerks. (168.714)
- By Oct. 27** Notice of November general election published. One notice required. (168.653a)
- By Oct. 29** Public accuracy test must be conducted. (R 168.778) Notice of test must be published at least 48 hours before test. (168.798)
- By 5:00 p.m., Oct. 30** Electors may obtain an absent voter ballot via First Class mail. (168.759)
- By 2:00 p.m., Oct. 31** Voters may submit written request to spoil their absent voter ballot and receive new ballot by mail. (168.765b)
- Up to 4:00 p.m., Nov. 2** Electors may obtain an absent voter ballot in person in the clerk's office. (168.761)
- By 4:00 p.m., Nov. 2** Voters may submit written request in person to spoil their absent voter ballot and receive new ballot in the clerk's office. (168.765b)
- Up to 4:00 p.m., Nov. 3** Emergency absentee voting for November general election. (168.759b)
- Up to 8:00 p.m., Nov. 3** Election Day registrants may obtain and vote an absent voter ballot in person in the clerk's office or vote in person in the proper precinct. (168.761)
- Nov. 3** **STATE GENERAL ELECTION**
- By 9:00 a.m., Nov. 5** Boards of county canvassers meet to canvass November general election. (168.821)
- By Nov. 17** Boards of county canvassers complete canvass of November general election; county clerks forward results to Secretary of State within 24 hours. (168.822, 828)
- By Nov. 23** Board of State Canvassers meet to canvass November general election. (168.842)

RECOUNT FILING DATES

All U.S. Senate, U.S. House and State House Seats

- Districts that lie wholly contained within one (1) county
 - * Recount petitions must be filed with the Secretary of State within 48 hours after the adjournment of the meeting of the Board of State Canvassers at which the certificate for determination for that office was recorded. (168.879)
 - * Counter petitions must be filed with the Secretary of State at or before 4:00 p.m. on the seventh day after the filing of the recount petition. (168.882)
- Districts located in more than one (1) county
 - * Recount petitions must be filed with the Secretary of State within 48 hours after the Board of State Canvassers completes the canvass. (168.879)
 - * Counter petitions must be filed with the Secretary of State at or before 4:00 p.m. on the seventh day after the filing of the recount petition. (168.882)

Any Other Office Canvassed by the Board of State Canvassers

- * Recount petitions must be filed with the Secretary of State within 48 hours after the Board of State Canvassers completes the canvass. (168.879)
- * Counter petitions must be filed with the Secretary of State at or before 4:00 p.m. on the seventh day after the filing of the recount petition. (168.882)

Any Other Office Canvassed by County Boards of Canvassers

- * Recount petitions must be filed with the County Clerk within six days after the board of County canvassers completes the canvass. (168.866)
- * Counter petitions must be filed with the County Clerk within 48 hours after the filing of the recount petition. (168.868)

OFFICES TO BE ELECTED IN 2020

U.S. President/Vice President

U.S. Senator (1 seat)

U.S. Representative in Congress (all 14 districts)

State Representative (all 110 districts)

State Board of Education (2 seats)

University of Michigan Regents (2 seats)

Michigan State University Trustees (2 seats)

Wayne State University Governors (2 seats)

Justice of the Supreme Court

Judge of the Court of Appeals

Judge of the Circuit Court

Judge of the District Court

Judge of Probate

County and Township Offices

Specified City and Village Offices

Specified School District Positions

2020 FILING REQUIREMENTS
Federal and State Elective Partisan Offices
Supreme Court Justice

Petition Filing Information: Democratic and Republican Candidates

- Democratic and Republican candidates can file nominating petitions for the following federal and state elective offices: U.S. Senate, U.S. Representative in Congress and State Representative (see below for additional elective offices whose Democratic and Republican nominees are determined by caucus or convention.)
- Democratic and Republican candidates must file a *partisan nominating petition* no later than 4:00 p.m., April 21, 2020. Democratic and Republican candidates who seek the office of State Representative may file a \$100.00 filing fee in lieu of a petition.
- Democratic and Republican candidates who submit a valid filing for office will be placed on the August primary ballot.

Petition Filing Information: Candidates Without Political Party Affiliation

- Candidates without political party affiliation can file for the following federal and state elective offices: U.S. President, U.S. Senate, U.S. Representative in Congress, State Representative, State Board of Education, University of Michigan Regent, Michigan State University Trustee, Wayne State University Governor and Supreme Court Justice.
- Candidates without political party affiliation who seek a partisan office or the office of Supreme Court Justice must file a *qualifying petition* no later than 4:00 p.m., July 16, 2020.
- All signatures submitted on a qualifying petition must have been collected within the preceding 180-day period; signatures which are dated more than 180 days prior to the date the petition is filed are invalid.
- Candidates without political party affiliation who submit a valid filing will be placed on the November general election ballot.

Affidavit of Identity Required of All Candidates

All candidates, except for President, must submit an Affidavit of Identity in duplicate when filing for office. Affidavit of Identity forms can be obtained from any filing official or from the Department of State's Bureau of Elections in Lansing ([Michigan.gov/Elections](https://www.michigan.gov/Elections).) A candidate who fails to comply with this requirement is ineligible to appear on the ballot.

Except for candidates seeking federal elective office or the office of precinct delegate, Michigan election law requires any candidate filing an Affidavit of Identity to state on the form that on the date the affidavit was executed, all statements, reports, late filing fees and fines required of the candidate or any Candidate Committee organized to support the candidate's election under Michigan's Campaign Finance Act have been filed or paid. If a candidate fails to comply with

Post-Election Campaign Finance Compliance Statement

Except as noted below, Michigan election law requires any candidate elected to office on the state, county or local level to file an affidavit *prior to assuming office* which states that on the date the affidavit was executed all statements, reports, late filing fees and fines required of the candidate or any Candidate Committee organized to support the candidate’s election under Michigan’s Campaign Finance Act have been filed or paid. The affidavit is *not* required of an elected candidate who did not receive or expend more than \$1,000.00 during the election cycle. In addition, the form does not have to be filed by an individual elected to a federal office or a precinct delegate position.

A form developed for distribution to candidates who must comply with the filing requirement (“Post-Election Campaign Finance Compliance Statement”) is available through any filing official. An elected candidate who is required to file the statement but who fails to submit the form is guilty of a misdemeanor.

Signature Requirements; Filing Location

The following lists the petition signature requirements for the offices to be filled in 2020.

NOTE: Minor party candidates are nominated by caucus or convention and appear on the November General election ballot.

U.S. PRESIDENT

All candidates who seek the office of U.S. President file with the Department of State’s Bureau of Elections in Lansing.

DEMOCRATIC	REPUBLICAN	NO POLITICAL PARTY AFFILIATION	
		MIN	MAX
Nominated at State Convention	Nominated at State Convention	12,000	24,000

A qualifying petition circulated for the office of U.S. President must be signed by at least 100 registered voters in each of at least ½ of the congressional districts in the state.

A candidate without political party affiliation who files for the office of U.S. President is also required to submit the name of his or her running mate and list of presidential electors. For complete information, contact the Michigan Department of State’s Bureau of Elections.

U.S. SENATOR

All candidates who seek the office of U.S. Senator file with the Department of State's Bureau of Elections in Lansing.

DEMOCRATIC		REPUBLICAN		NO POLITICAL PARTY AFFILIATION	
MIN	MAX	MIN	MAX	MIN	MAX
15,000	30,000	15,000	30,000	12,000	24,000

A petition submitted for the office of U.S. Senator must be signed by at least 100 registered electors in each of at least ½ of the congressional districts in the state.

U.S. REPRESENTATIVE IN CONGRESS

Multi-County Districts: A candidate who seeks the office of U.S. Representative in Congress in a multi-county district files with the Department of State's Bureau of Elections in Lansing. The multi-county U.S. House Districts are Districts 1-12 and 14.

Single-County Districts: A candidate who seeks the office of U.S. Representative in Congress in District 13 files with the Wayne County Clerk's office.

DEMOCRATIC		REPUBLICAN		NO POLITICAL PARTY AFFILIATION	
MIN	MAX	MIN	MAX	MIN	MAX
1,000	2,000	1,000	2,000	3,000	6,000

**STATE BOARD OF EDUCATION
UNIVERSITY OF MICHIGAN REGENT
MICHIGAN STATE UNIVERSITY TRUSTEE
WAYNE STATE UNIVERSITY GOVERNOR
SUPREME COURT JUSTICE**

All candidates who seek the following offices file with the Department of State’s Bureau of Elections in Lansing: State Board of Education, University of Michigan Regent, Michigan State University Trustee, Wayne State University Governor, Supreme Court Justice (Note: Incumbent Supreme Court Justice files by affidavit.)

DEMOCRATIC	REPUBLICAN	NO POLITICAL PARTY AFFILIATION	
		MIN	MAX
Nominated at State Convention	Nominated at State Convention	12,000	24,000

A petition for one of the above offices must be signed by at least 100 registered electors in each of at least half of the congressional districts in the state.

STATE REPRESENTATIVE

Multi-County Districts: A candidate who seeks the office of State Representative in a multi-county district files with the Department of State’s Bureau of Elections in Lansing. The multi-county State House Districts are listed below:

17 32 51 58 59 63 65 66 70 72 78 83
84 85 86 87 93 97 98 99 100 101 102 103
105 106 107 108 109 110

Single-County Districts: A candidate who seeks the office of State Representative in a district not listed above (single-county districts) files with the county clerk.

DEMOCRATIC		REPUBLICAN		NO POLITICAL PARTY AFFILIATION	
MIN	MAX	MIN	MAX	MIN	MAX
200	400	200	400	600	1,200

Democratic and Republican candidates who seek the office of State Representative may file a \$100.00 filing fee in lieu of a petition.